

Senate File 2355 - Reprinted

SENATE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2188)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing time off from work to attend presidential
2 precinct caucuses and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5790SV 82
5 ec/nh/8

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1 1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
1 2 Supplement 2007, is amended by adding the following new
1 3 subparagraph:
1 4 NEW SUBPARAGRAPH. (4) As an employer, denying an employee
1 5 the privilege conferred by section 43.4A to attend a precinct
1 6 caucus, or subjecting an employee to a penalty because of the
1 7 exercise of that privilege.
1 8 Sec. 2. NEW SECTION. 43.4A EMPLOYEES ENTITLED TO TIME TO
1 9 PARTICIPATE IN PRESIDENTIAL PRECINCT CAUCUSES.
1 10 1. Any person entitled to participate in a precinct caucus
1 11 held as part of the presidential nominating process in this
1 12 state who is required to be present at work for an employer
1 13 during the four-hour period starting one hour prior to the
1 14 time the precinct caucus starts is entitled to take unpaid
1 15 leave for as much of that four-hour period as is necessary to
1 16 participate in the precinct caucus except as provided by this
1 17 section. Application by any employee for such absence shall
1 18 be made to the employee's employer individually and in writing
1 19 at least fourteen days prior to the time the precinct caucus
1 20 is scheduled to start. The employee shall not be liable for
1 21 any loss of wages or salary or any other penalty except for
1 22 the loss of wages or salary for the hours of unpaid leave
1 23 actually used.
1 24 2. a. An application for an absence by an employee may be
1 25 denied by an employer if all the following circumstances
1 26 exist:
1 27 (1) The person is employed in an emergency services
1 28 position which shall include peace officer, fire fighter,
1 29 emergency medical personnel, and any other position that
1 30 seriously affects public health or safety, or is employed by
1 31 an entity that would experience severe economic or operational
1 32 disruption due to the person's absence.
1 33 (2) The employer filed a written notice with the
1 34 commissioner at least seven days prior to the date of the
1 35 precinct caucus specifying exigent circumstances justifying
2 1 the denial of such leave for personnel described in
2 2 subparagraph (1) and declaring the minimum number of such
2 3 personnel, by position, needed to protect public health and
2 4 safety or maintain minimum operational capacity, as
2 5 applicable. A copy of this written notice shall be provided
2 6 to employees of the employer.
2 7 (3) The number of persons employed in a position that did
2 8 not apply for an absence is less than the minimum number of
2 9 persons in that position needed by the employer to protect
2 10 public health and safety or maintain minimum operational
2 11 capacity, as applicable.
2 12 b. If the circumstances in paragraph "a" exist as to a
2 13 particular position of the employer, then the employer may
2 14 deny the minimum number of employees applying for an absence
2 15 in that position needed to yield the minimum staffing level
2 16 for that position as specified in the written notice to the
2 17 commissioner. The selection of which employees applying for

2 18 an absence shall be denied shall be made without regard to
2 19 political party affiliation, political belief, or affiliation
2 20 with or support for any candidate, or for any of the grounds
2 21 for which employment discrimination is prohibited in this
2 22 state.

2 23 3. An employer may, in lieu of providing unpaid leave to
2 24 affected employees to attend a presidential precinct caucus,
2 25 do any of the following:

2 26 a. Authorize paid leave to all affected employees.

2 27 b. Allow all affected employees the option to work
2 28 additional compensatory hours, at a time designated by the
2 29 employer not in conflict with the time needed for caucus
2 30 participation, equal in number to the number of hours taken to
2 31 participate in the presidential precinct caucus. The option
2 32 of working compensatory hours may be exercised individually by
2 33 each employee. Work done during the compensatory hours shall
2 34 be compensated in the same manner as work during regular
2 35 hours.

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